

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): **Bertram et al.**  
Case: **DIVA/038**  
Serial No.: **09/458,896** Filed: **December 10, 1999**  
Group Art Unit: **2665**  
Examiner: **Molinari, Michael J.**  
Title: **METHOD AND APPARATUS FOR INJECTING INFORMATION  
ASSETS INTO A CONTENT STREAM**

COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

SIR:

PRELIMINARY AMENDMENT

In response to the Advisory Action mailed January 13, 2003 (Paper No. 7),  
please consider the above-identified application as follows.

IN THE CLAIMS

Please replace claims 1 and 10 with amended claims 1 and 10 as follows:

1. (twice amended) In an information distribution system providing content data and asset data comprising navigational information to at least one subscriber, apparatus comprising:
- a NULL packet inserter, for inserting NULL transport packets within a transport stream including content packets; and
- a transport processor, for replacing at least some of said NULL packets with asset packets comprising said navigational information associated with said content packets to produce a transport stream including content packets comprising said navigational information and asset packets.

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10. (twice amended) In an information distribution system providing content data and asset data comprising navigational information to at least one subscriber, a method for processing content and asset information comprising the steps of:

inserting, within a transport stream including content packets, a plurality of NULL packets; and

replacing at least some of said NULL packets with asset packets comprising said navigational information associated with said content packets to produce a transport stream including content packets comprising said navigational information and asset packets.

#### REMARKS

This response is intended as a full and complete response to the Advisory Action dated January 13, 2003. In the Advisory Action, the Examiner notes that claims 1-17 are pending, of which claims 1-17 stand rejected. The Examiner further notes that the request for reconsideration has been considered, but does not place the application in condition for allowance. By this response, the applicants have filed a Continued Prosecution Application (CPA) and amended claims 1 and 10, while claims 2-9 and 11-17 continue unamended.

In view of the following discussion, the applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the applicants' subject matter recited in the present claims. Thus, the applicants believe that all of these claims are now in allowable form.

#### 1. 35 U.S.C. §102

##### Claims 1-4, 6-8, and 10-16

The Examiner has rejected claims 1-4, 6-8, and 10-16 under 35 U.S.C. §102 as being anticipated by Omoto et al. (Japanese Publication No. 11-163817), published June 18, 1999, hereinafter "Omoto". The applicants respectfully traverse the rejection. The applicants' claim 1 recites: